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Atty Docket No. 011674-001211US

PTO FAX NO.: 1-703-872-9306

ATTENTION: Examiner Victor Baston

Group Art Unit 3671

**OFFICIAL COMMUNICATION
FOR THE PERSONAL ATTENTION OF
EXAMINER Victor Baston**

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following documents in re Application of Robert S. Bierwith, Application No. 10/713,233, filed November 13, 2003 for LIP ASSEMBLY are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Transmittal (1 pg.)
2. Request For New Office Action (2 pgs.)
3. Copy of postcard stamped by USPTO (1 pg.)

Number of pages being transmitted, including this page: 5

Dated: Sept. 21, 2004


Patrick R. Jewik

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TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
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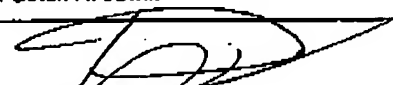
00313999 v1

PTO/SB/21 (04-04)

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/713,233
	Filing Date	November 13, 2003
	First Named Inventor	Blerwith, Robert S.
	Art Unit	3671
	Examiner Name	Victor Baston
Total Number of Pages in This Submission	Attorney Docket Number	011674-001211US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Request For New Office Action; and Copy of postcard stamped by the USPTO.
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Townsend and Townsend and Crew LLP	
Signature	Patrick R. Jewik	Reg. No. 40,456
Date	Sept. 21, 2004	

CERTIFICATE OF FACSIMILE TRANSMISSION			
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Typed or printed name	Patrick R. Jewik		
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PATENT
Docket No.: 011674-001211US

TOWNSEND and TOWNSEND and CREW LLP

By: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert S. Bierwith

Application No.: 10/713,233

Filed: November 13, 2003

For: LIP ASSEMBLY

Examiner: Victor Baston

Art Unit: 3671

REQUEST FOR NEW OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Action mailed on July 22, 2004 indicates that claims 1-26 are pending and were examined. However, Applicant filed a Preliminary Amendment concurrently with the filing of this application. A copy of the return postcard indicating receipt of the Preliminary Amendment by the USPTO is attached. In that Preliminary Amendment, claims 15-26 were canceled and claims 27-30 were added so that claims 1-14 and 27-30 were pending and subject to examination.

In view of the Office Action, it appears that the claims in the Preliminary Amendment were not examined and the claims in the copy of the original application were examined. Because the incorrect claims were examined, *Applicant requests that a new Office Action addressing claims 1-14 and 27-30 be issued, and that the period for response be re-started to provide Applicant with an ample time to respond.*

Robert S. Bierwith
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PATENT

Applicant notes that telephone calls were made to the Examiner on September 7, 2004 and September 16, 2004 to request the issuance of a new Office Action. However, to date, Applicant has not received any indication that a new Office Action is forthcoming. Accordingly, this Communication is being sent to again request that a new Office Action be issued.

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Patrick R. Jewik
Reg. No. 40,456

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CONTINUATION PATENT APPLICATION
FILING ACKNOWLEDGEMENT

Mailing Date: November 13, 2003 Express Mail No. EV332109957US
File No.: 011674-001211 US Attorney: Patrick R. Jewik/lyk
Inventors: Robert S. Bierwith
Title: LIP ASSEMBLY

☒ Utility Patent Application Transmittal; ☒ Fee Transmittal (in duplicate)
☒ Application Data Sheet (ADS); ☒ Preliminary Amendment;
☒ Declaration; ☒ Utility Patent Application

No. Pages of Description: 9
No. Pages of Appendix: 0
No. Pages of Claims: 4
No. Pages of Abstract: 1
No. Sheets of Drawings: 7
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10/713233

